

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERT MACHLAN,)	3:13-CV-0337-MMD (VPC)
)	
Plaintiffs,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	June 25, 2014
)	
DWIGHT NEVEN, et al.,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Plaintiff filed a proposed amended complaint (#21) on May 15, 2014, and a corrected proposed amended complaint (#22) on May 20, 2014. Defendants filed a motion to strike the proposed amended complaint(s) (#21/22) because plaintiff did not first seek leave of court to do file an amended complaint. Plaintiff opposed the motion (#24) and filed a motion to amend complaint (#25) in an attempt to correct his mistake. Defendants replied (#26) that plaintiff's motion to amend was now ten days beyond the deadline to amend of June 2, 2014.

Defendant is correct that plaintiff must follow the dictates of Fed.R.Civ.P. 15 and Local Rule 15-1 and file a motion to amend in order to be granted leave to amend his complaint. Therefore, defendants' motion to strike (#23) is **GRANTED**. Plaintiff's proposed amended complaint (#21) and corrected proposed amended complaint (#22) are hereby **STRICKEN**.

However, the court notes that the plaintiff is proceeding in pro se. "In civil rights cases where the plaintiff appears pro se, the court must construe the pleadings liberally and must afford plaintiff the benefit of any doubt." *Karim-Panahi v. Los Angeles Police Dep't*, 839 F.2d 621, 623 (9th Cir. 1988); see also *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972). Therefore, the court will consider plaintiff's motion to amend complaint (#25) timely filed due to plaintiff's previous efforts in May to amend his complaint. Defendants shall have to and including

Wednesday, July 9, 2014 to file any opposition it may have to the motion to amend or it will be considered unopposed pursuant to LR 7-2(d).

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk